

REMARKS

A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on above Figure Replacements, Specification Amendments, Claim Amendments, and following remarks.

B. Claim Status and Amendments

Claims 17, 18, 21-36 and 38-40 are presented for further prosecution.

The claims 17 and 36 have been amended to include the limitations of claims 37. Claim 37 having been indicated as containing allowable subject matter.

Claim 36 has also been amended by changing "fixation" to "anchoring", in order to keep the consistency of the terminology.

Claims 19, 20, and 37 have been cancelled.

The support of these amendments can be found in the claim set previously presented. There is no new matter being added in these amendments.

C. The Office Action

1. Objections on Drawings and Specification

The Examiner has objected the drawings. A replacement sheet of the drawings is filed herewith.

The replacement sheet shows that element 100, the introducer device, is the whole structure of Fig. 2. The support is at lines 1-5 of page 14: "Figure 2 shows the introducer device (100) which on one side includes a penetrating trocar (110) made up of a needle (112) with a tapered distal part (113), and a flaring proximal part (114) which forms a shoulder for pushing. This introducer device (100) also includes an external sheath (120) as is classic in trocar introducer systems."

Element 113a was missing from Fig. 2 originally filed. Fig. 2 has been amended to add the stop block as 113a. The

support of this amendments is described in the specification, lines 19-22: "The needle (112) is advantageously hollow and curved, and includes a bump or stop block (113a) a few centimeters from the distal end designed to prevent retrocession of both the anchoring device (40) when in position, and the needle (112) in the sheath (120)."

The specification has been amended to correct a clerical error at line 6 of page 15, now referring "the arms" as element (48). This is a typographical error on the reference number for the arms 48 of the anchoring device 40 and the support can be seen from Fig. 1.

No new matter has been introduced by these amendments. Applicants respectfully submitted that the above amendments remedy the defects on which the objections on the drawings base.

2. Allowable Subject Matter

Applicants have noted that the Examiner indicates under item 7, page 7 of the office action, that claim 37 is allowable if rewritten in an independent form including

all of the limitations of the base claim and any intervening claims.

Claim 36 has been amended herein to include the limitation of claim 37 to provide the allowable independent form requested by the Examiner. Since the cage-forming device of claim 37 is a structural limitation, applicants have incorporated the limitation of claim 37 into claim 17

Therefore, applicants respectfully submitted that claims 17 and 36, as well as their dependent claims are now allowable.

3. Prior Art Rejections

Claims 17-35 had been rejected under 35 U.S.C. 102(e) as being anticipated by Skiba. Claim 36 had been rejected under 35 U.S.C. 103(a) as being unpatentable over LoVuolo in view of Kovac. Claims 38-40 had been rejected as being unpatentable over LuVuolo.

Given that claims 17 and 36 have been amended to include allowable subject matter and that all of the

remaining claims are ultimately dependent on either claim 17 or 36, these rejections are now deemed moot.


D. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:


Donald C. Lucas, 31275
Attorney for Applicant(s)
475 Park Avenue South, 15th Floor
New York, New York
Tel. # 212-661-8000

DCL/YDC